

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** April 2014 – O-500

**DATE:** April 8, 2014

**TO:** Subcommittee on Moral Character

**FROM:** Debra Lawson, Director, Moral Character Determinations

**SUBJECT:** Committee Rehabilitation Policy

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## BACKGROUND

Applicants who have engaged in misconduct in the past must demonstrate that they have been rehabilitated before the Committee of Bar Examiners (“Committee”) will grant them a positive moral character determination. The Committee’s bulletin, *“Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination,”* (“Rehabilitation Policy”) explains the Committee’s policy on the rehabilitation of moral character applicants. This policy is posted on the State Bar’s website, and it is distributed to applicants who have questions about rehabilitation and those invited to attend informal conferences.

## DISCUSSION

In the California Supreme Court’s January 27, 2014 decision *In re Stephen Glass*, 58 Cal.4th 500, the Court provided additional explanation concerning what constitutes rehabilitation for an applicant. The decision states that the more serious an applicant’s misconduct, the stronger an applicant’s showing of rehabilitation needs to be, and it emphasizes the importance of community service for applicants who have engaged in serious misconduct. The decision also explains that the testimony of character witnesses alone is not enough to show rehabilitation. Revisions to the Committee’s Rehabilitation Policy which take this decision into account may be appropriate.

## RECOMMENDATION

It is recommended that the Committee’s policy, *“Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination,”* be revised to take into account the California Supreme Court’s decision in *In re Stephen Glass*.

## **PROPOSED MOTION**

If the Subcommittee agrees, the following motion is suggested:

Move that the revised “*Factors that May be Taken into Consideration When Evaluating the Rehabilitation of an Applicant Seeking a Moral Character Determination*” in the form attached hereto, be adopted.